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3 In Pro se

FILED

AUG 15 2019

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

4
5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA

7 SHIKEB SADDOZAI

Case No. C-18-05558 BLF(PR)

8 Plaintiff,

DECLARATION IN SUPPORT OF

9 v.

PLAINTIFF'S MOTION FOR THE

10 CLAWSON

APPOINTMENT OF COUNSEL

11 Defendnants.

12
13
14
15 SHIKEB SADDOZAI states:

- 16
17 1. I am the plaintiff in the above entitled case. I make
18 this declaration in support of my motion for this
appointment of counsel, and that I am incarcerated.
- 19 2. The complaint in this case alleges the plaintiff was
20 subjected to deliberate indifference to serious medical
21 needs by multiple correctional officers. Medical condition
22 disabled the plaintiff and interfered with daily activities,
23 and in the existence of chronic, and substantial
pain. Each defendant at all times acted under color of
24 state law, whom are related in case matters arise out of
the same transaction, occurrence, or series of transactions
25 or occurrences (Fed.R.Civ.P.20(a)(2).) on the following:

- 26 A. Threatened and or issued plaintiff false disciplinary
27 actions to deprive plaintiff privileges that would

1 prevent initiating civil and criminal actions, while
2 plaintiff is on direct appeal during active legal cases
3 and deadlines.

4 B. Correctional officers threatened plaintiff with violence
5 with intent to cause physical injury out of retaliatory
6 and discriminatory animus, racially motivated and criminal
7 in nature.

8 C. Conducted cell searches on plaintiff as calculated harass-
9 ment, unrelated to prison/jail needs, to review and
10 destroy plaintiff's legal/confidential documents to prev-
11 ent plaintiff from prosecuting legal actions.

12 D. Correctional officer(s) liable out of deliberate ind-
13 difference failed to protect plaintiff, without warning
14 discharged, and fired his weapon, shooting plaintiff on the
15 back, inflicted serious bodily injury, while being the victim
16 rather than the four intended targets whom failed to
17 comply and continued to beat and batter plaintiff as a
18 result of correctional officers intentional negligence.

19 E. Correctional officers repeatedly canceled/rejected
20 plaintiff's complaints, and threatened to restrict plain-
21 tiff's due process rights to complain to prevent plain-
22 tiff from complying with the exhaustion of administrative
23 remedies and to continue aiding officers persistent
24 pattern of abuse and mistreatment against plaintiff.

25 3. Plaintiff alleges other correctional officers of whom watch-
26 ed and failed to intervene, while supervisory officials
27 were aware of violent propensities of some of the officers
and are liable for failing to take action to control them,
who were in charge of operating facility and provide medical
services to prisoners, carrying out the policy and practice
that led to the violation of the plaintiff's rights secured
by the constitution or laws of the United States. Plaintiffs
verified complaints filed were repeatedly ignored, and
supervisory officials failed to react while being aware of
ongoing abuse and mistreatment by subordinate officers, nor
attempts were made to remedy problems.

1 4. This is a complex case because it contains several differ-
2 ent legal claims, with each claim involving a different
3 set of defendants.

4 5. The case involves medical issues and or technical mental
5 health issues that may require expert testimony.

6 6. The plaintiff has demanded a jury trial, which requires
7 much greater legal skills than the plaintiff has or can
8 develop.

9 7. The case will require discovery of documents and deposit-
10 ions of a number of witnesses, and administrative files,
11 plaintiff is not allowed to have while in custody.

12 8. The testimony will be in sharp conflict, since the plaintiff
13 alleges he was subjected to a deliberate indifference
14 to a serious medical needs by correctional officers, at
15 all times acted under color of state law, some of whom
16 actively beat other inmates in related case matters, and
17 others whom watched and failed to intervene. There will be
18 a genuine issue of material facts if proved at trial to
19 support a judgment in plaintiffs favor.

20 9. The plaintiff is serving a life sentence with a direct
21 appeal pending and has been denied access to legal mater-
22 ials while in custody by prison officials, to frustrate,
23 impede, interfere, and or prevent ability to investigate the
24 facts of the case, for example, by locating and interview-
25 ing other inmates who have been transferred or released
26 where events occurred who were eyewitnesses to plaintiff's
27 abuse and mistreatment, denial of medical care, threats of
violence, discrimination, sexual harassment, racism, and
retaliation by deliberately confiscating plaintiff's
legal materials and correspondence to obstruct plaintiff's
access to the courts from initiating a civil suit.

10. The plaintiff has only a high school education and no
legal education, making it beyond his ability to compre-
hend.

1 11. As set for in the "MEMORANDUM OF LAW IN SUPPORT OF
2 PLAINTIFF'S MOTION FOR THE APPOINTMENT OF COUNSEL"
3 submitted with this motion, these facts, along with the
4 legal merit of plaintiff's claims, support the appoint-
5 ment of counsel to represent the plaintiff.

6 WHEREFORE, the plaintiff's motion for appointment of counsel
7 should be granted. Pursuant to 28 U.S.C § 1746, I declare
8 under penalty of perjury that the foregoing is true and
9 correct.

10 Signed this 8 day of August 2019

11 A. Adcoze

12 Plaintiff